

UNITED STATES DISTRICT COURT
Eastern District of New York

Hercules Pharmaceuticals, Inc.	Presiding Judge:	Joanna Seybert, Senior U.S.D.J.
- v -		Case No(s).:
		24-cv-5659-JS-AYS
		Date:
		10/1/2024
		Start Time:
		1:18 PM
		Total Time: 1 hr. 20 mins.

MINUTE ENTRY FOR A CIVIL PROCEEDING

SEALED PROCEEDING: Yes No

I. APPEARANCES:

Plaintiff : Hercules Pharmaceuticals, Inc.
 Represented by : **Richard Schoenstein, and Brittany Lazzaro**

Defendant : Brant Cherne
 Represented by : **Jamie Felsen, Michael Mauro, and Robert Milman**

:
 Represented by :
 :
 Other Appearances: _____

Court Reporter(s): **Paul Lombardi**

FTR Time(s): _____
 Courtroom Deputy: **Eric L. Russo**

II. PROCEEDINGS HELD:

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> In-Person | <input type="checkbox"/> Bench Trial (see pg. 3) | <input type="checkbox"/> Jury Selection (see pg. 3) | <input type="checkbox"/> Pre-Trial Conference (see pg. 2) |
| <input type="checkbox"/> By Telephone | <input type="checkbox"/> Contempt Hearing (see pg. 2) | <input type="checkbox"/> Jury Trial (see pg. 3) | <input type="checkbox"/> Settlement Conference (see pg. 2) |
| <input type="checkbox"/> By Video | <input type="checkbox"/> Evidentiary Hearing (see pg. 2) | <input checked="" type="checkbox"/> Motion Hearing (see pg. 2) | <input type="checkbox"/> Show Cause Hearing (see pg. 2) |
| | <input type="checkbox"/> Fairness Hearing (see pg. 2) | <input type="checkbox"/> Preliminary Injunction Hearing (see pg. 2) | <input type="checkbox"/> Status Conference (see pg. 2) |
| | <input type="checkbox"/> Jury Deliberation (see pg. 3) | <input type="checkbox"/> Pre-Motion Conference (see pg. 2) | |

Other Proceeding: _____

III. SUMMARY OF THE PROCEEDINGS:

- Motion Hearing _____ held.
- Hearing held regarding the defendant's Motion for Temporary Restraining Order (see DE 39) and Motion to Unseal (see DE 43).
 The parties presented their oral arguments to the Court.
 Witness(es) were called for the: _____; _____; _____.
 Exhibits were entered into evidence.
- The Court made the following ruling(s):
- GRANTED as to the defendant's Motion to Unseal _____.
 DENIED as to the defendant's Motion for Temporary Restraining Order _____.
 GRANTED, in part, as to _____.
 Found MOOT as to _____.
 Decision RESERVED as to _____.
 The Court's decision: was entered on the record; will be entered under a separate order.
 See Section V and/or VI (page 5) for additional details and/or rulings.
- _____ held.
- The parties advised the Court of the status of the case.
 The parties presented their oral arguments to the Court regarding the proposed motion(s).
 The following briefing schedule was set:
 _____ shall serve the motion and all supporting papers by _____.
 _____ shall serve the opposition to the motion and all supporting papers by _____.
 _____ shall serve the cross-motion and all supporting papers by _____.
 _____ shall serve the reply and all supporting papers by _____.
 _____ shall serve the opposition to the cross motion and all supporting papers by _____.
 _____ shall serve the reply to the cross motion and all supporting papers by _____.
 The parties are directed to file their motion papers in accordance with the Court's Individual Rules regarding BUNDLING (see Rule III).
 The Court will not grant any extensions of the deadlines set forth above.
 The parties were directed to file a proposed briefing schedule on or before _____.
 The Court deemed, or previously deemed, this case TRIAL READY.
 The Court set the following pre-trial submission schedule:
 Motion(s) in Limine and all supporting papers shall be filed by _____.
 Opposition(s) to Motions in Limine and all supporting papers shall be filed by _____.
 Reply(ies) to Motions in Limine and all supporting papers shall be filed by _____.
 Proposed voir dire questions and a brief case summary shall be filed by _____.
 Proposed exhibits and a witness list shall be filed by _____.
 Proposed jury charge and verdict sheet shall be filed by _____.
 The Court will not grant any extensions of the deadlines set forth above.
 The parties are directed to submit courtesy copies of their submissions in accordance with the Court's Individual Rules (see Rule IV).
 The parties are directed to e-mail copies of the proposed case summary, voir dire questions, witness list, jury charge, and verdict sheets in Word format to the Chambers e-mail at "Seybert_Chambers@nyed.uscourts.gov".
 The parties were directed to file a proposed pre-trial submission schedule on or before _____.
 The Court will enter a separate order outlining the pre-trial submission schedule.
 See Section V and/or VI (page 5) for additional details and/or rulings.
- Fairness Hearing/Settlement Conference held.
 The parties outlined the details of the settlement agreement.
 No party(ies) appeared opposing the settlement.
 Objections to the proposed settlement were heard.
- The Court made the following ruling(s):
- GRANTED as to the: Motion for Settlement Approval; Motion for Attorney Fees.
 DENIED as to the: Motion for Settlement Approval; Motion for Attorney Fees.
 GRANTED, in part, as to the: Motion for Settlement Approval; Motion for Attorney Fees.
 Found MOOT as to the: Motion for Settlement Approval; Motion for Attorney Fees.
 Decision RESERVED as to the: Motion for Settlement Approval; Motion for Attorney Fees.
- The Court's decision: was entered on the record; will be entered under a separate order.
 See Section V and/or VI (page 5) for additional details and/or rulings.

- Bench Trial held.
- Opening statements heard from: all parties; the _____; the _____; the _____.
- Opening statements waived by: all parties; the _____; the _____; the _____.
- Witness(es) were called for: all parties; the _____; the _____; the _____.
- Exhibits were entered into evidence.
- _____ rests.
- _____ rests.
- _____ rests.
- Summations were heard from: all parties; the _____; the _____; the _____.
- Summations waived by: all parties; the _____; the _____; the _____.
- The Court set the following post-trial submission schedule:
- _____ shall file proposed Findings of Fact and Conclusions of Law by _____.
- _____ shall file proposed Findings of Fact and Conclusions of Law by _____.
- _____ shall file proposed Findings of Fact and Conclusions of Law by _____.
- _____ shall file proposed Findings of Fact and Conclusions of Law by _____.
- The Court's decision: was RESERVED; was entered on the record; will be entered under a separate order.
- See Section V and/or VI (*page 5*) for additional details and/or rulings.
- Jury Selection/Voir Dire held.
- The prospective jurors were sworn and given preliminary instructions by the Court.
- The prospective jurors were asked questions touching upon their qualifications to serve as jurors.
- A jury of _____ were selected and are satisfactory to all parties.
- See Section V and/or VI (*page 5*) for additional details and/or rulings.
- Jury Trial held.
- A jury of _____, previously selected by _____, are satisfactory to all parties.
- The selected jurors were sworn as trial jurors.
- The jurors were given preliminary instructions by the Court.
- Opening statements heard from the: the _____; the _____; the _____.
- Witness(es) were called for the: the _____; the _____; the _____.
- Exhibits were entered into evidence.
- _____ rests.
- _____ rests.
- _____ rests.
- A Charge Conference was held with the Court and counsel.
- Summations were heard from: all parties; the _____; the _____; the _____.
- Summations waived by: all parties; the _____; the _____; the _____.
- The Court charged the jury.
- See Section V and/or VI (*page 5*) for additional details and/or rulings.
- Jury Deliberation held.
- Jury Notes were received and marked as Court Exhibits.
- The Court instructed the jury to continue their deliberations pursuant to Allen v. United States (Allen Charge).
- The jury rendered their verdict.
- The jurors were polled as to their verdict.
- The Verdict Sheet was received and marked as a Court Exhibit.
- The jurors were excused with the thanks of the Court.
- See Section V and/or VI (*page 5*) for additional details and/or rulings.

IV. FURTHER PROCEEDINGS SET:

- No further proceedings have been set at this time.
- Bench Trial is set for _____ at _____ before _____, _____.
- Contempt Hearing is set for _____ at _____ before _____, _____.
- Evidentiary Hearing is set for _____ at _____ before _____, _____.
- Fairness Hearing is set for _____ at _____ before _____, _____.
- Jury Deliberation is set for/shall continue on _____ at _____.
- Jury Selection is set for _____ at _____ before _____, _____.
- Jury Trial is set for _____ at _____ before _____, _____.
- Motion Hearing is set for _____ at _____ before _____, _____.
- Preliminary Injunction Hearing is set for _____ at _____ before _____, _____.
- Pre-Motion Conference is set for _____ at _____ before _____, _____.
- Pre-Trial Conference is set for _____ at _____ before _____, _____.
- Settlement Conference is set for _____ at _____ before _____, _____.
- Show Cause Hearing is set for _____ at _____ before _____, _____.
- Status Conference is set for _____ at _____ before _____, _____.
- The Court ordered the proceeding(s) above to be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: **877-336-1839, access code 7231185**.
- The Court ordered the proceeding(s) above to be held by video, via **ZoomGov**. The parties on the case will be sent a separate notice by the Courtroom Deputy with instructions on how to log into the video meeting as the scheduled date approaches.
- See Section V and/or VI (*page 5*) for additional details regarding the proceeding(s) set.

**** INTENTIONALLY LEFT BLANK ****

V. OTHER RULINGS MADE DURING THE PROCEEDINGS:

- The record of this proceeding was deemed SEALED.** Transcripts of this proceeding can be made available to the Court, the defendant(s), defense counsel, and the Government **ONLY**. Any other non-party must file a written request to the Court for permission to receive a copy of the transcripts.

- The Court made the following rulings:

- For the reasons stated on the record, the defendant's letter dated 9/26/2024 (see DE 43) shall be considered, and re-classified, as a Motion to Unseal and that motion is granted for the sole purpose of allowing defense counsel to obtain copies of the requested documents from the Clerk's Office.

VI. ADDITIONAL RULINGS:

- The Court makes the following additional rulings (*not addressed during the proceedings*):